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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,367	11/10/2003	Tetsuya Yoshioka	P1266US	4333

1218 7590 08/04/2008

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EXAMINER	
LETT, THOMAS J	

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
08/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,367	YOSHIOKA ET AL.	
	Examiner	Art Unit	
	THOMAS J. LETT	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 June 2008 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Applicant claims "wherein said transmitting means serially sends plural image data corresponding to plural document sets read by said reading means to the same recipient upon a one time designation of the recipient by said recipient designating means by a **plurality of transmission processes** in a serial transmission mode of serially sending plural image data corresponding to plural document sets if a single document set is a group of documents to be transmitted by **one transmission process**". It is not understood whether several images are being sent by a plurality of transmission processes or if several images are being sent by one transmission process. From the claim language, it appears that a set of images is being transmitted to the same recipient via several transmission processes but the claim continues by stating that a set of images will be sent using one transmission process. The claim language is conflicting and/or ambiguous. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara et al (USPN 6,894,799 B2) in view of Wiley (US Pub 20030081234 A1).

Regarding claim 1, Kuwahara et al disclose an image reading apparatus (facsimile machine F, see figure 1), comprising:

reading means (scanner 11, col. 3, lines 33-34) for reading an image of a document to generate image data corresponding to a single document set and to generate plural image data corresponding to plural document sets (it is obvious that if plural paper documents are read/scanned then plural image data are created);

recipient designating means (automatic dialing unit 2, col. 3, lines 16-17) for designating a recipient to which the image data read by said reading means is sent via the network in response to a manipulation by a user; and

transmitting means (automatic dialing unit 2, col. 3, lines 16-17 with NCU 3) for transmitting the image data read by said reading means to the recipient designated by said recipient designating means,

wherein said transmitting means serially sends plural image data (plurality of image data, col. 3, lines 47-48) corresponding to plural document sets read by said reading means to the same recipient upon a one time designation of the recipient by said recipient designating means by a plurality of transmission processes in a serial transmission mode (real-time transmission where each of the pages of the documents (i.e., plural image data) are scanned and immediately delivered to a recipient, see at least col. 1, lines 52-54) of serially sending

plural image data corresponding to plural document sets if a single document set is a group of documents to be transmitted by one transmission process (If a user sets N documents/pages on a feeder or manually feeds N documents/pages, real-time transmission immediately sends each of the stored pages. This is a serial mode of transmission where each page is immediately sent and the user only has to designate a recipient once. Kuwahara et al do not have to designate a recipient as each page is scanned.).

Kuwahara et al do not expressly disclose that the image reading apparatus is so configured as to render image data transmittable to a device via a predetermined network.

Wiley teaches that image data may be sent to different network types such as fax, email, printer, copier, etc., see at least para. 0016 and figures 2 through 5. Of note, but not relied upon by Examiner, is that Wiley teaches a reading means (imaging bed 103) for reading an image of a document to generate image data corresponding to a single document set (electronic document 120) and to generate plural image data corresponding to plural document sets (plural paper documents 110 can obviously be made into a plurality of electronic document images 120) to the same recipient upon a one time designation of the recipient by said recipient designating means (see figures 2 through 5) by a plurality of transmission processes (email, fax, etc.);

recipient designating means (interface 200, see at least para. 0021 and para. 0033) for designating a recipient (see para. 0034 and figures 2 through 5) to which the image data read by said reading means is sent via the network in response to a manipulation by a user

Kuwahara et al and Wiley are analogous art because they are from the similar problem solving area of image transmission. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the diverse selection of network choices feature of Wiley to the device of Kuwahara et al in order to obtain a device capable of designating a

network. The motivation for doing so would be to expand the transmission options of a image sending device.

Regarding claim 2, Kuwahara et al disclose an image reading apparatus according to claim 1, further comprising

setting means (display 9, see figure 6) for selectively setting either one of said serial transmission mode (real-time transmission where each page of the documents (i.e., plural image data) are scanned and immediately delivered to a recipient, see at least col. 1, lines 52-54) and an individual transmission mode (delayed transmission function, col. 3, lines 43-46) of individually sending single image data corresponding to a single document set (single document, col. 3, lines 43-45) in response to a manipulation by the user (selection of delayed transmission function), wherein said transmitting means serially sends (via selection of batch transmission function) plural image data corresponding to plural document sets read by said reading means to the recipient designated by said recipient designating means if the serial transmission mode is designated by said setting means, and wherein said recipient designating means designates the recipient to which the image data is sent via the network in response to a manipulation by the user with respect to each image data read by said reading means, and said transmitting means individually sends said each image data read by said reading means to the recipient designated by said recipient designating means if the individual transmission mode is set by said setting means.

Regarding claim 3, Kuwahara et al disclose an image reading apparatus according to claim 2, wherein said setting means (display 9, figure 6) includes initializing means for selectively designating either one of said serial transmission mode ("No" at decision box 406 of figure 4) and said individual transmission mode (selection of "NO" in 9d of figure 6) in response

to a manipulation by the user as an initialization item with respect to the image reading apparatus.

Regarding claim 4, Kuwahara et al disclose an image reading apparatus according to claim 2, wherein said setting means includes an intermediate designating means for selectively designating either one of said serial transmission mode ("No" at decision box 406 of figure 4) and said individual transmission mode (selection of "NO" in 9d of figure 6) in response to a manipulation by the user each time the image data is sent by said transmitting means.

Regarding claim 5, Kuwahara et al disclose an image reading apparatus according to claim 2, further comprising operating means (operator can enter a time for transmission of document(s), col. 3, line 46 and col. 5, lines 62-64) for allowing the user to enter an operation command to the image reading apparatus, wherein said setting means includes switching means for switching (switch between "YES" and "NO" to designate batch or individual transmission modes in 9b of figure 6) over the transmission mode of the image reading apparatus between said serial transmission mode and said individual transmission mode in response to a manipulation by the user, and wherein said switching means is provided in an operation area (display 9, see figure 6) of the operating means, said operation area including an operation region different from a region for designating other items for transmission.

Regarding claim 6, Kuwahara et al disclose an image reading apparatus according to claim 5, wherein said operating means is adapted to display an operation screen in correspondence to said operation region (see switch area 9d of figure 6, col. 5, lines 45-47), and wherein said switching means is adapted to selectively display, in a title region of said operation screen, either one of said serial transmission mode and said individual transmission mode, as a currently operative transmission mode in the image reading apparatus.

Regarding claim 7, Kuwahara et al disclose an image reading apparatus according to claim 1, further comprising user identifying means (selection screen 9a; user can input confidential transmission ID and password which reads on a registered user of the system, col. 5, lines 5-12) for identifying the user of the image reading apparatus among a plurality of registered users (inherent since a user ID and password are necessary to use the system) in response to a manipulation by the user, wherein said transmitting means sends, after identifying the user by said user identifying means, plural image data corresponding to plural document sets read by said reading means serially (real-time transmission where each page of the documents (i.e., plural image data) are scanned and immediately delivered to a recipient, see at least col. 1, lines 52-54) designated by said recipient designating means in said serial transmission mode.

Regarding claim 8, Kuwahara et al disclose an image reading apparatus according to claim 1, further comprising user identifying means (selection screen 9a to input user ID in 501 of figure 5) for identifying the user of the image reading apparatus among a plurality of registered users in response to a manipulation by the user, wherein said recipient designating means stores information relating to said user and the recipient (selection screen 9a showing recipients and fax numbers in figure 6) of the image data designated by said user in correlation to each other to allow the user to designate the recipient in correlation to the user identified by said user identifying means as the recipient of said image data.

Regarding claim 9, Kuwahara et al disclose an image reading apparatus according to claim 1, further comprising:

user identifying means (selection screen 9a to input user ID in 501 of figure 5) for identifying the user of the image reading apparatus among a plurality of registered users in response to a manipulation by the user, and

transmission completion notifying means (it was well-known in the art to set fax machines to store/print confirmation reports to ensure that a fax document has been transmitted) for storing information relating to said user and the recipient of the image data designated by said user in correlation to each other to send a notification, to the recipient in correlation to the user identified by said user identifying means, indicative of completion of transmission of the image data, in response to transmission of the image data by said transmitting means.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS J. LETT whose telephone number is (571)272-7464. The examiner can normally be reached on 8-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas J. Lett/
Examiner, Art Unit 2625
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